

[Third Reprint]

## **ASSEMBLY, No. 2064**

# **STATE OF NEW JERSEY**

## **210th LEGISLATURE**

INTRODUCED MARCH 18, 2002

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblyman Gusciora, Senators Ciesla, Allen, Palaia, Matheussen,**

**Assemblymen Guear, McKeon, Dancer, Fisher, Assemblywoman Heck,**

**Assemblymen S.Kean and Munoz**

### **SYNOPSIS**

Requires DHSS to establish list of animal control officers found guilty of or liable for violating any animal cruelty law; and prohibits persons on that list from being animal control officers for a municipality.

### **CURRENT VERSION OF TEXT**

As amended by the Senate on November 14, 2002.

(Sponsorship Updated As Of: 2/25/2003)

1 AN ACT concerning certified animal control officers, amending  
 2 P.L.1983, c.525 and supplementing chapter 22 of Title 4 of the  
 3 Revised Statutes and Title 2B of the New Jersey Statutes.

4  
 5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:

7  
 8 <sup>2</sup>1. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to  
 9 read as follows:

10 3. a. The Commissioner of Health and Senior Services shall,  
 11 within 120 days after the effective date of P.L.1983, c.525, and  
 12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
 13 (C.52:14B-1 et seq.), adopt rules and regulations concerning the  
 14 training and educational qualifications for the certification of animal  
 15 control officers, including, but not limited to, a course of study  
 16 approved by the commissioner and the Police Training Commission,  
 17 in consultation with the New Jersey Certified Animal Control Officers  
 18 Association, which acquaints a person with:

19 (1) The law as it affects animal control, animal welfare , and animal  
 20 cruelty;

21 (2) Animal behavior and the handling of stray or diseased animals;

22 (3) Community safety as it relates to animal control; and

23 (4) The law enforcement methods and techniques required for an  
 24 animal control officer to properly exercise the authority to investigate  
 25 and sign complaints and arrest without warrant pursuant to section 8  
 26 of P.L.1997, c.247 (C.4:19-15.16c), including, but not limited to,  
 27 those methods and techniques which relate to search, seizure and  
 28 arrest. The training in law enforcement methods and techniques  
 29 described pursuant to this paragraph shall be part of the course of  
 30 study for an animal control officer only when required by the  
 31 governing body of a municipality pursuant to section 4 of P.L.1983,  
 32 c.525 (C.4:19-15.16b).

33 Any person 18 years of age or older may satisfy the courses of  
 34 study established pursuant to this subsection at that person's own time  
 35 and expense; however, nothing in this section shall be construed as  
 36 authorizing a person to exercise the powers and duties of an animal  
 37 control officer absent municipal appointment or authorization pursuant  
 38 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

39 b. (1) The commissioner shall provide for the issuance of a  
 40 certificate to a person who possesses, or acquires, the training and

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAN committee amendments adopted June 17, 2002.

<sup>2</sup> Senate SEG committee amendments adopted October 24, 2002.

<sup>3</sup> Senate floor amendments adopted November 14, 2002.

1 education required to qualify as a certified animal control officer  
 2 pursuant to paragraphs (1) through (3) of subsection a. of this section  
 3 and to a person who has been employed in the State of New Jersey in  
 4 the capacity of, and with similar responsibilities to those required of,  
 5 a certified animal control officer pursuant to the provisions of  
 6 P.L.1983, c.525, for a period of three years before January 17, 1987.  
 7 The commissioner shall not issue a certificate to any person convicted  
 8 of <sup>3</sup>[a crime, disorderly persons offense, or petty disorderly  
 9 offense]<sup>3</sup>, or found civilly liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a violation of any  
 10 provision of chapter 22 of Title 4 of the Revised Statutes.

11 (2) The commissioner shall revoke the certificate of any person  
 12 convicted of <sup>3</sup>[a crime, disorderly persons offense, or petty disorderly  
 13 offense]<sup>3</sup>, or found civilly liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a violation of any  
 14 provision of chapter 22 of Title 4 of the Revised Statutes, and shall  
 15 place the name of the person on the list established pursuant to  
 16 subsection c. of this section.

17 c. (1) The commissioner shall establish a list of all persons issued  
 18 a certificate pursuant to subsection b. of this section (a) for whom that  
 19 certificate has been revoked, or (b) who have been convicted of <sup>3</sup>[a  
 20 crime, disorderly persons offense, or petty disorderly offense]<sup>3</sup>, or  
 21 <sup>3</sup>[who have been]<sup>3</sup> found civilly liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a violation of any  
 22 provision of chapter 22 of Title 4 of the Revised Statutes. The  
 23 commissioner shall provide each municipality in the State with a copy  
 24 of this list within 30 days after the list is established and not less often  
 25 than annually thereafter if no revised list required pursuant to  
 26 paragraph (2) of this subsection has been issued in the interim.

27 (2) Upon receipt of a notice required pursuant to sections 3 or 4  
 28 of P.L. , c. (C. ) (now pending before the Legislature as this  
 29 bill) involving a person who has been issued a certificate pursuant to  
 30 subsection b. of this section, the commissioner shall add to the list the  
 31 name of the person convicted of <sup>3</sup>[a crime, disorderly persons offense,  
 32 or petty disorderly offense]<sup>3</sup>, or found civilly liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a  
 33 violation of any provision of chapter 22 of Title 4 of the Revised  
 34 Statutes according to the notice, and shall issue a copy of the revised  
 35 list to each municipality within 30 days after receipt of any such  
 36 notice.<sup>2</sup>

37 (cf: P.L.1997, c.247, s.2)

38  
 39 <sup>2</sup>2. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to  
 40 read as follows:

41 4. The governing body of a municipality shall, within three years  
 42 of the effective date of P.L.1983, c.525, appoint a certified animal  
 43 control officer who shall be responsible for animal control within the  
 44 jurisdiction of the municipality and who shall enforce and abide by the  
 45 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The  
 46 governing body shall not appoint a certified animal control officer,

1 shall not contract for animal control services with any company that  
 2 employs a certified animal control officer, and shall revoke the  
 3 appointment of a certified animal control officer, who has been [found  
 4 to have violated the provisions of R.S.4:22-17, R.S.4:22-18, R.S.4:22-  
 5 19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,  
 6 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,  
 7 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-  
 8 25.1), or R.S.4:22-26.] convicted of <sup>3</sup>[a crime, disorderly persons  
 9 offense, or petty disorderly offense]<sup>3</sup>, or <sup>3</sup>[has been]<sup>3</sup> found civilly  
 10 liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a violation of any provision of chapter 22 of Title  
 11 4 of the Revised Statutes or whose name is on the list or any revision  
 12 thereto established and provided by the Commissioner of Health and  
 13 Senior Services pursuant to subsection c. of section 3 of P.L.1983,  
 14 c.525 (C.4:19-15.16a). The governing body shall, within 30 days after  
 15 receipt thereof, review any such list or revision thereto received by the  
 16 municipality and shall, within that 30-day period, take action  
 17 accordingly as required pursuant to this section.

18 The governing body may authorize the certified animal control  
 19 officer to investigate and sign complaints, arrest violators and  
 20 otherwise act as an officer for detection, apprehension and arrest of  
 21 offenders against the animal control, animal welfare and animal cruelty  
 22 laws of the State and ordinances of the municipality, if the officer has  
 23 completed the training required pursuant to paragraph 4 of subsection  
 24 a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified  
 25 animal control officers who have completed the training may be  
 26 authorized by the governing body to so act as an officer for detection,  
 27 apprehension and arrest of offenders; however, officers who have  
 28 completed the training shall not have the authority to so act unless  
 29 authorized by the governing body which is employing the officer or  
 30 contracting for the officer's services.<sup>2</sup>  
 31 (cf: P.L.2000, c.17, s.1)  
 32

33 3. <sup>2</sup>(New section) <sup>2</sup> a. ~~¶~~(New section)] <sup>2</sup> For the purposes of  
 34 establishing the list of <sup>2</sup>[certified animal control officers] ~~persons not~~<sup>2</sup>  
 35 eligible to be <sup>2</sup>[contracted by governing bodies of municipalities]  
 36 ~~certified animal control officers~~<sup>2</sup> as required pursuant to <sup>2</sup>[subsection]  
 37 ~~subsections b. and~~<sup>2</sup> c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),  
 38 notice shall be provided<sup>2</sup>, ~~within 90 days after the effective date of this~~  
 39 ~~section,~~<sup>2</sup> to the Commissioner of Health and Senior Services of any  
 40 person who <sup>2</sup>[is found liable for, or guilty of, a violation of R.S.4:22-  
 41 17, R.S.4:22-18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-  
 42 19.1), section 3 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20,  
 43 R.S.4:22-21, R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of  
 44 P.L.1939 c.315 (C.4:22-25.1), or R.S.4:22-26] ~~has been convicted of~~  
 45 <sup>3</sup>[a crime, disorderly persons offense, or petty disorderly offense]<sup>3</sup>, or  
 46 <sup>3</sup>[has been]<sup>3</sup> found civilly liable <sup>3</sup>[.]<sup>3</sup> for <sup>3</sup>,<sup>3</sup> a violation of any

1 provision of chapter 22 of Title 4 of the Revised Statutes<sup>2</sup>, by any  
2 court or other official administrative entity maintaining records of such  
3 violations adjudged on or before the effective date of this section.

4 b. For the purposes of maintaining the list of <sup>2</sup>[certified animal  
5 control officers] persons not<sup>2</sup> eligible to be <sup>2</sup>[contracted by governing  
6 bodies of municipalities as required] certified animal control officers  
7 as established<sup>2</sup> pursuant to <sup>2</sup>[subsection] subsections b. and<sup>2</sup> c. of  
8 section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or other  
9 official adjudging the <sup>2</sup>[liability or guilt for a violation of R.S.4:22-17,  
10 R.S.4:22-18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1),  
11 section 3 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21,  
12 R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315  
13 (C.4:22-25.1), or R.S.4:22-26] guilt or liability for a violation of any  
14 provision of chapter 22 of Title 4 of the Revised Statutes<sup>2</sup>, shall  
15 charge the prosecutor, officer of the New Jersey Society for the  
16 Prevention of Cruelty to Animals or the district (county) society for  
17 the prevention of cruelty to animals, or other appropriate person, other  
18 than a certified animal control officer, with the responsibility to notify  
19 <sup>2</sup>within 30 days<sup>2</sup> the commissioner, in writing, of the full name of the  
20 person found <sup>2</sup>[liable for, or]<sup>2</sup> guilty of, <sup>2</sup>or liable for,<sup>2</sup> an applicable  
21 violation, and the violation for which or of which that person was  
22 found <sup>2</sup>[liable or]<sup>2</sup> guilty <sup>2</sup>or liable<sup>2</sup>, and the person charged with the  
23 responsibility shall provide such notice.

24  
25 4. (New section) As required pursuant to section 3 of P.L. , c.  
26 (C. ) (now before the Legislature as this bill), a municipal court  
27 adjudging <sup>2</sup>[violations of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19,  
28 section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,  
29 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,  
30 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-25.1),  
31 or R.S.4:22-26] guilt or liability for a violation of any provision of  
32 chapter 22 of Title 4 of the Revised Statutes<sup>2</sup>, shall charge the  
33 prosecutor, officer of the New Jersey Society for the Prevention of  
34 Cruelty to Animals or the district (county) society for the prevention  
35 of cruelty to animals, or other appropriate person, other than a  
36 certified animal control officer, with the responsibility to notify <sup>2</sup>within  
37 30 days<sup>2</sup> the Commissioner of Health and Senior Services, in writing,  
38 of the full name of the person found <sup>2</sup>[liable for, or]<sup>2</sup> guilty of, <sup>2</sup>or  
39 liable for,<sup>2</sup> an applicable violation, and the violation for which or of  
40 which that person was found <sup>2</sup>[liable or]<sup>2</sup> guilty <sup>2</sup>or liable<sup>2</sup>, and the  
41 person charged with the responsibility shall provide such notice.

42  
43 5. Sections 1, 3 and 4 of this act shall take effect immediately, and  
44 section 2 shall take effect <sup>1</sup>[30] 180<sup>1</sup> days after the date of enactment.